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JRW

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : M. Meller  
MICHEL AUGUET et al :  
Serial No.: 09/937,306 : Group: 1654  
Filed: September 20, 2001 :  
For: COMBINATION...ANTIOXIDANT(S):

475 Park Avenue South  
New York, N.Y. 10016  
February 16, 2005

RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the office action of December 7, 2004, Applicants request reconsideration of the application in view of the remarks presented herein.

The claims in the application are claims 1, 4 and 8 to 12, all other claims having been cancelled.

All of the claims have been rejected under 35 USC 102 as being anticipated by the WO '653 patent or the Naftchi et al '933 or '962 patents. The Examiner states that with respect to Applicants' arguments that the patents disclose a reaction product of two compounds, the Examiner states that "they still do start with the two compounds lipoic acid and aminoguanidine and refers to compound No. 208 in column 133 of the '933 reference and compound No. 208 in column 119 of the '962 patent. The Examiner states that all the claims require is that the compounds are separate which they are before they